

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW CATANZARO and
MICHAEL GARRISON,

No. 08-11173

Plaintiffs,

District Judge Thomas L. Ludington

v.

Magistrate Judge R. Steven Whalen

MICHIGAN DEPT. OF CORRECTIONS,

Defendant.

ORDER

Before the Court is Plaintiff Garrison's motion to strike Defendant's motion to dismiss [Docket #69]. This pleading is more appropriately construed as a response to the motion to dismiss, which was filed under Docket #63. However, on June 17, 2009, I issued a Report and Recommendation that the Defendant's motion to dismiss be denied.

Therefore, Plaintiff's motion to strike [Docket #69] is DENIED AS MOOT.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 22, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 22, 2009.

S/G. Wilson
Judicial Assistant